

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NEW YORK EMBROIDERY STUDIO, INC.,

Plaintiff,

-against-

UNIFIRE, INC.,

Defendant.

23-CV-4670 (JGLC)

**NOTICE TO
DEFENDANT**

JESSICA G. L. CLARKE, United States District Judge:

A Lawsuit Has Been Filed Against You

Plaintiff New York Embroidery Studio, Inc. has started a lawsuit against Unifire, Inc. You are receiving this notice as the Defendant.

Plaintiff alleges that you issued to Contollo Mass Manufacturing LLC (“Contollo”) purchase orders for disposable isolation gowns and that Contollo subsequently subcontracted the production of the gowns to Plaintiff. Plaintiff claims that it manufactured and delivered the disposable gowns. Plaintiff alleges that it demanded payment from you and Contollo, and that you have refused to pay Plaintiff. Plaintiff is seeking damages in the hundreds of thousands of dollars. Plaintiff also claims that you have received written notice of this lawsuit. You are receiving this notice because you have not answered or otherwise responded to the Court about the Plaintiff’s allegations.

If You Do Not Respond to the Lawsuit, A Judgment May Be Filed Against You

Plaintiff has asked the Court to enter a default judgment in its favor against you. A default judgment is a final ruling in a case because a defendant has failed to take action. Plaintiff has asked the Court to conclude: (1) that you do not oppose Plaintiff’s allegations or disagree with its claims; and (2) that Plaintiff is entitled to damages in the hundreds of

thousands of dollars. If you continue to fail to participate, the Court may grant Plaintiff's request and enter the default judgment against you. A judgment is a public record with significant potential consequences against you, particularly if you do not pay the judgment. Plaintiff may use the following legal tools to ensure payment of an unpaid judgment: (1) attachment (a court order seizing property), (2) imposition of a lien (giving a legal right to one's property until a debt has been paid) or garnishment (ordering someone holding funds on behalf of a defendant, such as an employer or a bank, to pay debts directly to the Plaintiff to satisfy the judgment).

You May Still Respond to the Lawsuit

The Court has not granted the default judgment against you yet. You still have an opportunity to respond to the lawsuit. Enclosed is an order scheduling a hearing for **January 22, 2024 at 11:00 a.m. (Eastern Time)** to discuss Plaintiff's motion asking the Court to enter default judgment against you. The hearing will take place by Microsoft Teams. You may have a lawyer appear for you.

Corporate Defendants

Defendant is cautioned that corporate entities may appear in federal court only through licensed counsel, *see Lattanzio v. COMTA*, 481 F.3d 137, 140 (2d Cir. 2007), and where such an entity "repeatedly fails to appear by counsel, a default judgment may be entered against it," *Grace v. Bank Leumi Tr. Co. of N.Y.*, 443 F.3d 180, 192 (2d Cir. 2006) (internal quotation marks omitted).

Opposition Requested

As stated in the related Order issued today, you are directed to promptly notify the Court. If you choose to contact the Court or file an opposition, you may state whether you received notice about the lawsuit prior to this Notice, or your factual and legal objections to

Plaintiff's claims. If you did not receive a copy of the complaint, you may request one from Plaintiff's lawyer, whose information is at the end of this Notice, or the Clerk of Court. If you decide to contact the Court, you must do so by **January 5, 2024**. Any letter to the Court should clearly list the following case name and number: *New York Embroidery Studio, Inc. v. Unifire, Inc.*, 23-cv-4670-JGLC.

You can mail or deliver the letter to:

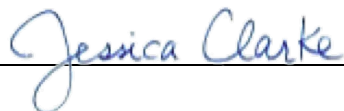
United States District Court for the Southern District of New York
Attn: Clerk's Office / Judge Clarke
500 Pearl Street
New York, New York 10007

Service

It is further ORDERED that Plaintiff serve Defendant with (1) a copy of the motion for default judgment and all supporting papers; (2) a copy of this Order; and (3) a full docket sheet **within two business days of the filing of this Order**. Within **two business days of service**, Plaintiff must file proof of such service on the docket.

Dated: December 4, 2023
New York, New York

SO ORDERED.



JESSICA G. L. CLARKE
United States District Judge

Plaintiff's Counsel:

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